

REMARKS

Claims 1-18 are pending and under consideration in the above-identified application. Claims 1-10 were previously withdrawn and remain withdrawn.

In the Office Action of March 18, 2008, claims 11-18 were rejected.

With this Amendment, claim 11 is amended, claims 1-10 are cancelled and claim 19 is new. Accordingly, claims 11-19 are at issue.

I. 35 U.S.C. § 112 Indefiniteness Rejection of Claims

Claims 11-18 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses this rejection.

The Examiner incorrectly states that the limitation of “the thermoplastic layer has a width of 50 microns or less” is not supported in the specification. This limitation is clearly disclosed on page 15 lines 20-21 of the specification which states “The thickness of the thermoplastic layer 42 is preferably **50 μ m or less.**” See, Specification Page 16, l. 20-21. Accordingly, the limitation of a thermoplastic layer with a thickness of 50 μ m or less is fully disclosed in the specification. Therefore, Applicant respectfully requests withdrawal of this rejection.

Because claims 12-18 are dependant, either directly or indirectly, from claim 11, they are allowable for at least the same reasons.

II. 35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 11-13 and 19 were rejected under 35 U.S.C. § 102(b) as anticipated by *Yoichi et al.* (JP 2001-176466) (“*Yoichi*”).

Claims 11-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over ‘466 in view of Eschback et al. (U.S. Pat. No. 5,631, 103) (“*Eschback*”). Applicant respectfully traverses these rejections.

In relevant part, claim 11 now recites a battery including a resin layer where the resin piece is inserted between the casing and the cathode terminal of the battery element and between the casing and the anode terminal of the battery element to prevent the entry of air.

This is clearly unlike the *Yoichi*, which fails to disclose or even suggest a battery including a resin layer where the resin piece is inserted between the casing and the cathode terminal of the battery element and between the casing and the anode terminal of the battery element to prevent the entry of air. Instead, *Yoichi* discloses a resin layer located inside a aluminum foil layer. See, JP 2001-176466, Para. [0030]. Since *Yoichi* fails to disclose the resin layer on the cathode terminal of a battery, it fails to disclose a required element of the claim.

Eschback, similarly, fails to disclose or even suggest a resin layer where the resin piece is inserted between the casing and the cathode terminal of the battery element and between the casing and the anode terminal of the battery element to prevent the entry of air. Instead, *Eschback* discloses an anode formed on a substrate made of copper and a cathode formed above the anode with a electrolyte layer and binder layer in between the cathode and anode. See, U.S. Pat. No. 5,631, 103, Col. 2 l.54 - Col. 3, l. 31. Further, nowhere does *Eschback* disclose or even suggest a resin layer, much less a resin layer located on the cathode and anode terminals of a battery.

As Applicant's specification discloses, by providing a resin layer where the resin piece is inserted between the casing and the cathode terminal of the battery element and between the casing and the anode terminal of the battery element to prevent the entry of air, short circuits due to burrs of the cathode terminal or anode materials are prevented. See, Page, 13, lines 20-24. Since *Yoichi* and *Eschback* fails to disclose the resin layer located between the cathode, anode and the casing material, it fails to disclose a required element of the claim.

Therefore, because *Yoichi*, *Eschback* and any combination of them fails to disclose or even suggest every feature of claim 11, the rejection of claim 11 cannot stand. Because claims 12-19 depend either directly or indirectly from claim 11, they are allowable for at least the same reasons.

III. Conclusion

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

Dated: October 28, 2008

By: /David R. Metzger/
David R. Metzger
Registration No. 32,919
SONNENSCHNEIDER NATH & ROSENTHAL LLP
P.O. Box 061080
Wacker Drive Station, Sears Tower
Chicago, Illinois 60606-1080
(312) 876-8000